

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Provide Flexibility within the Monhegan Lobster
Conservation Area and To Strengthen the Eligibility
Requirements for a Student Lobster Fishing License'**

Amend the bill before section 1 by inserting the following:

'**Sec. 1. 12 MRSA §6421, sub-§5-A**, as amended by PL 2005, c. 239, §1, is further amended to read:

5-A. Student license eligibility. A student license may be issued only to a person who, at the time of application, is a full-time student 8 years of age or older and under 23 years of age. For the purposes of this subsection, "full-time student" means:

- A. A person attending a public day school in accordance with the attendance requirement of Title 20-A, section 5001-A, subsection 1;
- B. A person meeting the requirements of an alternative to attendance at public day school in accordance with Title 20-A, section 5001-A, subsection 3; or
- C. A person enrolled in and meeting the requirements of a full-time course of study at a college or university accredited by a state-recognized accrediting agency or body.

A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed 5 months and if it is shown that the person has a bona fide intention of continuing to pursue a full-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "full-time course of study" means at least 60% of the usual course load for the program in which the person is enrolled.

The commissioner may revoke a student license of an individual who has ceased to be a full-time student.'

Amend the bill in section 1 in §6472 in subsection 2 in the 2nd line (page 1, line 19 in L.D.) by striking out the following: "not to exceed 270 consecutive" and inserting the following: 'consecutivenot to exceed 250'

Amend the bill in section 1 in §6472 in subsection 2 in the 3rd line (page 1, line 20 in L.D.) by striking out the following: "September" and inserting the following: 'October'

Amend the bill in section 1 in §6472 in subsection 2 in paragraph A in the last line (page 1, line 25 in L.D.) by inserting after the following: "6474." the following: "The commissioner may accept the preferences proposed by 2/3 of the registrants as reasonable and adopt those preferences or reject the preferences as unreasonable. The commissioner shall consult with the lobster management policy council for Zone D before making this decision.'

Amend the bill in section 1 in §6472 in subsection 3 in paragraph A in the last line (page 2, line 4 in L.D.) by inserting after the following: "6474." the following: 'The commissioner may accept the preferences proposed by 2/3 of the registrants as reasonable and adopt those preferences or reject the preferences as unreasonable. The commissioner shall consult with the lobster management policy council for Zone D before making this decision.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §6475, sub-§1, ¶B, as enacted by PL 1997, c. 574, §4, is amended to read:

B. A person fulfills the time requirements of a Monhegan Lobster Conservation Area apprenticeship if, after November 30, 1998, that person serves for ~~150~~200 fishing days during a minimum period of 24 months in the Monhegan Lobster Conservation Area on a vessel operated by a Monhegan Lobster Conservation Area trap tag registrant who agrees to sponsor that person as an apprentice. For the purposes of this subsection, a "fishing day" means 5 hours or more in a calendar day of lobster-fishing-related activity. The commissioner shall administer the apprenticeship pursuant to rules adopted under section 6422 regarding an apprentice log book and educational courses. A person completes a Monhegan Lobster Conservation Area apprenticeship upon presentation to the commissioner of a validated log book that documents that person meets the requirements of this paragraph.

Sec. 3. 12 MRSA §6475, sub-§5 is enacted to read:

5. Registrants exiting the Monhegan Lobster Conservation Area. A person who is registered to fish within the Monhegan Lobster Conservation Area and who no longer wishes to fish there may exit the area at the end of the registration period established in this section in the following manner:

A. A person who has been registered for a period of not less than 5 open seasons and who can document to the commissioner that that person has harvested lobsters in each of 5 open seasons may exit the Monhegan Lobster Conservation Area and fish elsewhere in Zone D without going on a waiting list as established in section 6448.

B. A person who has been registered for a period of less than 5 open seasons or who cannot document to the commissioner that that person harvested lobsters in at least 5 open seasons may exit the Monhegan Lobster Conservation Area and become eligible to fish elsewhere in Zone D if that person complies with the waiting list requirement established in accordance with section 6448.

Sec. 4. Report. The Commissioner of Marine Resources shall report on the implementation, enforcement and results from the changes to the lobster and crab fishing season and trap limits for Monhegan Lobster Conservation Area under this Act to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2011. The joint standing committee of the Legislature having jurisdiction over marine resources matters may submit legislation related to that report.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment:

1. Changes the proposed start for the open season on lobster fishing in the Monhegan Lobster Conservation Area from September 1st to October 1st and limits the proposed number of days open to fishing from 270 to 250 and removes the requirement that those days be consecutive;
2. Provides that the Commissioner of Marine Resources may accept the open season and trap limits for lobster fishing in the Monhegan Lobster Conservation Area preferences proposed by 2/3 of the registrants in that area as reasonable and adopt those preferences or reject the proposed preferences as unreasonable. The commissioner must consult with the lobster management policy council for Zone D before making a decision on the preferences proposed by the registrants;
3. Increases the number of days a person must apprentice in the Monhegan Lobster Conservation Area from 150 days to 200 days to match the apprenticeship requirements in other lobster zones;
4. Provides that a person registered to fish lobsters in the Monhegan Lobster Conservation Area must have harvested lobsters during 5 open seasons in that area before that person can fish elsewhere in Zone D without having to go on a waiting list to fish lobsters in that zone; and
5. Directs the Commissioner of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 15, 2011 on the results of the open season and trap limit change for fishing lobsters in the Monhegan Lobster Conservation Area.

FISCAL NOTE REQUIRED
(See attached)